

**Testimony in support of HB 4341
House Regulatory Reform Committee
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Thank you, Mr. Chairman and Members of the Committee, good afternoon. I am Cliff Douglas, Executive Director of the University of Michigan Tobacco Research Network, and I have come here to testify in support of HB 4341, the comprehensive smoke-free bill. I am speaking today in my personal capacity as a public health professional.

I have had the honor of playing many roles in the area of tobacco prevention policy over the past 21 years, including service as Special Counsel for the Congressional Task Force on Tobacco and Health in the U.S. House of Representatives, and leadership positions with the American Lung Association and American Cancer Society. Relevant to the topic of this hearing, I coordinated the successful lobbying campaign for the nationwide airline smoke-free law in the late-1980s. The airline smoke-free law has protected the health of countless millions of travelers. When that law passed, I saw firsthand how warmly members of Congress were applauded for making our skies smoke-free.

As you and most members of the public now know, secondhand tobacco smoke is one of the leading preventable causes of death in the United States. Dr. Ken Warner, dean of the University of Michigan School of Public Health, and I co-authored an op-ed in the Detroit Free Press last month, a copy of which is attached to my written testimony. As we noted, “Every puff on a cigarette contains hydrogen cyanide, arsenic, benzene and radioactive polonium 210. It’s no wonder secondhand smoke causes more than 1,700 deaths annually in Michigan.”

Our leading health authorities have authoritatively confirmed the grave harm caused by secondhand smoke. The 2006 Surgeon General’s Report found that the most effective way to protect individuals from the health hazards of secondhand smoke is to “completely eliminate indoor smoking.”

The science shows that ventilation systems and separate smoking rooms don’t work. I will discuss this briefly, and have also attached a Ventilation Factsheet to this testimony for your reference. The main point is that a statewide law allowing exemptions for smoking rooms or ventilation systems would not only fail to adequately protect Michigan’s citizens, but would mislead the public into believing that workers and patrons are being protected from secondhand smoke when they are not. Enacting such exemptions would expose thousands of hospitality workers and many more patrons to secondhand smoke.

There is no genuine dispute regarding the evidence. The Surgeon General states that the use of smoking areas, rooms or ventilation systems are ineffective in protecting against the dangers of secondhand smoke. The problem with allowing smoking indoors is that everyone ends up breathing the same air. While a ventilation system may change the superficial *appearance* of the air, it does not make it less deadly to breathe.

The American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the national authority that sets the recognized technical standards for the industry, has adopted a formal position statement, which states:

"At present, the only means of effectively eliminating health risks associated with indoor exposure is to ban smoking activity ... No other engineering approaches, including current and advanced dilution ventilation or air cleaning technologies, have demonstrated or should be relied upon to control health risks from ETS [environmental tobacco smoke] exposure in spaces where smoking occurs... Because of ASHRAE's mission to act for the benefit of the public, it encourages elimination of smoking in the indoor environment as the optimal way to minimize ETS exposure."

ASHRAE thus confirms what most of us know from personal experience – that tobacco smoke doesn't confine itself to a designated smoking area any more than chlorine confines itself to one section of a swimming pool.

Despite claims made by special interests that smoking rooms and ventilation technology are good alternatives to comprehensive smoke-free laws, the scientific evidence shows that smoking rooms and ventilation are both ineffective and costly for businesses to implement.

Smokefree laws not only save lives – they also provide clear economic benefits. Some restaurant and bar owners have asserted that business in the state will be hurt if they are required to go smoke-free. This is ironic, given that a few weeks ago, on February 5, 2009, I received a personal email from Andy Deloney, the vice president of public affairs for the Michigan Restaurant Association (MRA), in which he stated unequivocally that, “The issue is not about dollars and cents to us.” He asserted that his organization, which represents restaurants across Michigan, has “never talked about the effect” that a statewide smoke-free law “would have on sales. Why?” he asked rhetorically. “Because to us this is not the issue.” On this, I will take the Michigan Restaurant Association at its word. The problem is that, at best, the MRA is sitting passively by while some of its members put forth inaccurate arguments regarding alleged economic impact. At worst, the MRA may be encouraging the spread of misinformation behind the scenes, as we know it did in previous years.

The reality is that every independent, peer-reviewed, scientific economic impact study examining sales tax data has found no

negative economic impact from secondhand smoke laws in communities across the country. Some have found an increase in business. Key studies have made direct comparisons of restaurant sales in newly smoke-free jurisdictions to sales in restaurants in adjacent jurisdictions that have not yet gone smoke-free, with both jurisdictions having similar populations. The gains in business in these studies were therefore associated *directly* with implementation of a smoke-free law.

In 2008, an economic impact study done in Michigan by Public Sector Consultants, Inc. confirmed what other studies have shown: There is no net economic impact on bars and restaurants from smoke-free laws. It should be noted that the studies cited by opponents of smoke-free legislation have been found to be four times as likely to use subjective rather than objective measures to estimate impact, and 20 times as likely not to be peer-reviewed. Further, all of the studies concluding that smoking restrictions harm the hospitality industry were funded by the tobacco industry or its allies; not one of them was funded by sources that were clearly independent of the industry.

A smoke-free law may well improve the bottom lines of restaurants and bars, as such laws have done in other states, in part by lowering their cleaning and other costs.¹ Additionally, a poll conducted by John Bailey & Associates (March 2005) found that 80 percent of Michigan residents would be more likely or just as likely to patronize the restaurants they typically go if they were smoke-free, and 70

percent of Michigan residents would go to bars, clubs and bowling alleys more often or just as often if they were smoke-free.

I can tell you that this avid bowler, for one, will head to the alley a lot more often than I do now, and take my six-year-old son and his friends with me, as soon as you pass and Governor Granholm signs a smoke-free bill into law.

Bowlers like me aren't the only ones staying away from smoky establishments. Many professional associations now have policies requiring that their annual conventions be held in smoke-free states. Given the economic trauma our state is currently experiencing, it makes little sense *not* to adopt a comprehensive smoke-free law.

I will now turn to the question of smoking in casinos. Smoke-filled casinos have up to 50 times more cancer-causing particles in the air than highways and city streets clogged with diesel trucks in rush hour traffic. Once they become smoke-free, casino indoor air pollution virtually disappears.

Furthermore, the best available evidence indicates that smoke-free laws have no effect on total gambling revenues or on the average revenue per machine. Delaware provides a good example. One year after that state's comprehensive smoke-free law went into effect in November 2002, the state's revenue from gambling actually increased by three percent (\$5.7 million).

Currently, 35 states, including our neighbors Ohio and Illinois, have passed statewide smoke-free laws. Eleven states in which tribal casinos operate now prohibit smoking in non-tribal gaming venues. Five of those state laws cover casinos and other gaming venues, while the others cover a combination of racetracks and bingo. Will Michigan be last?

We have a responsibility to make evidence-based decisions. Smoke-free laws protect health, save lives and promote business. I urge you to pass a comprehensive smoke-free law that makes all workplaces smokefree and brings Michigan into the 21st Century of public health policy.

Thank you. I would be pleased to respond to any questions you may have.

¹ Mudarri, DH. The Costs and Benefits of Smoking Restrictions: An Assessment of the Smoke-Free Environment Act of 1993 (H.R. 3434). Washington, DC: Environmental Protection Agency, Office of Radiation and Indoor Air, Indoor Air Division, 1994; Javitz, HS, Zbikowski, SM, Swan, GE, Jack, LM. Financial burden of tobacco use: an employer's perspective. *Clinics in Occupational and Environmental Medicine* 2006;5(1):9–29.

